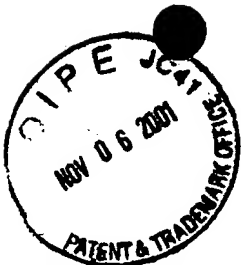


STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com



ROBERT GREENE STERNE
EDWARD J. KESSLER
JORGE A. GOLDSTEIN
SAMUEL L. FOX***
DAVID K.S. CORNWELL
ROBERT W. ESMOND
TRACY-GENE G. DURKIN
MICHELE A. CIMALA
MICHAEL B. RAY
ROBERT E. SOKOHL
ERIC K. STEFFE
MICHAEL Q. LEE
STEVEN R. LUDWIG

JOHN M. COVERT
LINDA E. ALCORN
ROBERT C. MILLONIG
MICHAEL V. MESSINGER
JUDITH U. KIM
TIMOTHY J. SHEA, JR.
PATRICK E. GARRETT
JEFFREY T. HELVEY*
HEIDI L. KRAUS
JEFFREY R. KURIN
PATRICK D. O'BRIEN
LAWRENCE B. BUGAISKY
CRYSTAL D. SAYLES

EDWARD W. YEE
ALBERT L. FERRO*
DONALD R. BANOWIT
PETER A. JACKMAN
MOLLY A. MCCALL
TERESA U. MEDLER
JEFFREY S. WEAVER
KENDRICK P. PATTERSON
DONALD J. FEATHERSTONE
VINCENT L. CAPUANO
JOHN A. HARROUN*
ALBERT J. FASULO II*
ELDORA ELLISON FLOYD*

W. RUSSELL SWINDELL
THOMAS C. FIALA
BRIAN J. DEL BUONO*
VIRGIL L. BEASTON*
RYAN J. STAMPER*
REGINALD D. LUCAS*
THEODORE A. WOOD
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BRUCE E. CHALKER
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SUZANNE E. ZISKA**
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CYNTHIA M. BOUCHEZ**
HELENE C. CARLSON**
GABY L. LONGSWORTH**
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MATTHEW J. DOWD**
AARON L. SCHWARTZ**

*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

November 6, 2001

WRITER'S DIRECT NUMBER: (202) 371-2585

INTERNET ADDRESS: CBOUCHEZ@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Box: Missing Parts

Re: U.S. Utility Patent Application
Appl. No. 09/830,967; Filed: May 3, 2001
For: **Host Cells Expressing Recombinant Human Erythropoietin**
Inventors: Carcagno *et al.*
Our Ref: 1909.0020002/JAG/CMB

Sir:

In reply to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) and Notice to Comply with Sequence Rules dated **June 7, 2001**, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Petition for Extension of Time under 37 C.F.R. § 1.136(a)(1) (in duplicate);
2. PTO Fee Transmittal Form PTO/SB/17 (in duplicate);
3. Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
4. Copy of the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;

Commissioner for Patents

November 6, 2001

Page 2

5. Preliminary Amendment and Submission of Sequence Listing;
6. Paper and computer readable copy of Sequence Listing;
7. Original Declaration, executed by the inventors;
8. An original executed Power of Attorney from Assignee with Delegation;
9. Assignee 37 C.F.R. § 3.73(b) Statement with copy of Assignment attached;
10. Information Disclosure Statement (in duplicate);
11. Form PTO-1449 (19 pages);
12. Copies of references AA1, AB1, AC1, AD1, AE1, AF1, AG1, AH1, AI1, AJ1, AL1, AM1, AN1, AO1, AP1, AR1, AS1, AT1, AL2, AR2, AS2, AT2, AR3, AS3, AT3, AR4, AS4, AT4, AR5, AS5, AT5, AR6, AS6, AT6, AR7, AS7, AT7, AR8, AS8, AT8, AR9, AS9, AT9, AR10, AS10, AT10, AR11, AS11, AT11, AR12, AS12, AT12, AR13, AS13, AT13, AR14, AS14, AT14, AR15, AS15, AT15, AR16, AS16, AT16, AR17, AS17, AT17, AR18, AS18, AT18, and AR19;
13. Our Check No. 33071 for \$ 1,440.00 to cover a four (4) month extension of time under 37 C.F.R. § 1.136; and
14. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

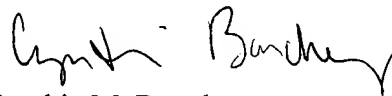
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R.

Commissioner for Patents
November 6, 2001
Page 3

§ 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez
Agent for Applicants
Registration No. 47,438



29/830967

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO. 5611
FIRST NAMED APPLICANT
ATTY. DOCKET NO. 1909.00200012

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE N W SUITE 600
WASHINGTON DC 20005-3934

INTERNATIONAL APPLICATION NO. 7/262188

LA. FILING DATE 07/08/99 PRIORITY DATE 06/98

DATE MAILED: 06/07/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
 - ☒ an Elected Office (37 CFR 1.495):
 - ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
 - ☐ Translation of the international application into English.
 - ☐ Oath or Declaration of Inventor(s) for DO/EO/US.
 - ☐ Copy of Article 19 amendments.
 - ☐ Translation of Article 19 amendments into English.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Preliminary amendment(s) filed _____ and _____.
 - ☐ Information Disclosure Statement(s) filed _____ and _____.
 - ☐ Assignment document.
 - ☐ Power of Attorney and/or Change of Address.
 - ☐ Substitute specification filed _____.
 - ☐ Statement Claiming Small Entity Status.
 - ☒ Priority Document (2)
 - ☐ Copy of the International Search Report ☐ and copies of the references cited therein.
 - ☐ Other:
2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). *[Fees already applied]*
3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3738

*Declaration Sequence listing July 7, 2001
Start Bar. December 7, 2001*

DOCKETED